IN RE: PETITION FOR VARIANCE * BEFORE THE

SW/Corner Lambourne & Yorkward Roads

(Phase I, The Valleys of Towson) * ZONING COMMISSIONER

9th Election District

4th Councilmanic District * OF BALTIMORE COUNTY

Lambourne Limited Partnership * Case No. 96-119-A

Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as Phase I of The Valleys of Towson, located in the vicinity of Fairmount Avenue in Towson. The Petition was filed by the owners of the property, Lambourne Limited Partnership, by Jack H. Pechter, General Partner, and the Contract Purchaser/Lessee, The Strutt Group, Inc., by Kimberly B. Strutt, President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners come before me seeking variance relief from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to be located as close as 45 feet to the street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to a street line, and to allow a building greater than 40 feet in height to be located as close as 15 feet to a property line other than a street line, in lieu of the required 30 feet. In addition, the Petitioners seek a variance from Public Works Standards to permit two 18-foot wide lanes with an interior 8-foot island and onstreet parallel parking on Lambourne Road, in lieu of the required 40-foot paving. The subject property and relief sought are more particularly described on the latest revised site plan dated October 30, 1995, which was accepted and marked into evidence as Petitioner's Exhibit 1.

Date

Appearing at the hearing on behalf of the Petition were Kimberly B. Strutt, President of Strutt Group, Inc., Contract Purchaser/Lessee, and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants present.

At the onset of the hearing, the Petitioners requested a modification of the relief sought to include a request for variance from Section 201.3.C.2 of the B.C.Z.R. to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet. The Petition was amended accordingly and the hearing proceeded on the relief requested.

Testimony and evidence offered revealed that the property which is the subject of this request consists of 2.47 acres, more or less, zoned R.A.E.2, and is known as Phase 1 of The Valleys of Towson, a large highrise apartment complex. The property is proposed to be redeveloped with 78 two-bedroom apartments as shown on the site plan submitted and marked into evidence as Petitioner's Exhibit 1. This property was the subject of prior Case No. 94-355-A in which the Petitioners were granted variances from various building, property line, and window setback requirements, well as a parking variance of 90 spaces in lieu of the required 93 spaces for the proposed redevelopment of the subject site on April 21, 1994. Petitioners propose to raze the existing buildings and construct two new buildings with 39 units each as shown on the site plan. The Petitioners now come before me seeking a modification of the variance relief previously granted to reflect minor amendments to the site plan and a refinement of the building locations on the property. The proposed new buildings will be lower in height and spread over the entire property in lieu of the typical

high-rise style apartment building. Thus, the requested variances are necessary.

It should be noted that this project was granted a limited exemption from the development process by the Development Review Committee on April 10, 1995. In addition, the Zoning Plans Advisory Committee comments are favorable and the Office of Planning and Zoning (OPZ) supports the Petitioners' request for variance. Furthermore, the Developer's Plans Review Division supports the relief requested, but suggested that landscaping be required in conjunction with the proposed improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

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After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Aday of November, 1995 that the Petition for Variance seeking relief from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to be located as close as 45 feet to the street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to a street line, and to permit a building greater than 40 feet in height to be located as close as 15 feet to a property line other than a street line in lieu of the required 30 feet, and to permit two 18-foot lanes with an interior 8-foot island and on-street parallel parking on Lambourne Road, in lieu of the required 40-foot wide paved road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order;

ORDER RECEIVED FOR FILING Date

By

however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

- 5-

IN RE: PETITION FOR VARIANCE * BEFORE THE

SW/Corner Lambourne & Yorkward Roads

(Phase I, The Valleys of Towson) * ZONING COMMISSIONER

9th Election District

4th Councilmanic District * OF BALTIMORE COUNTY

Lambourne Limited Partnership * Case No. 96-119-A

Petitioners

* * * * * * * * * *

AMENDED ORDER

WHEREAS, this matter came before the Zoning Commissioner as a Petition for Variance for the subject property known as Phase I of The Valleys of Towson, located in the vicinity of Fairmount Avenue in Towson. The Petition was filed by the owners of the property, Lambourne Limited Partnership, by Jack H. Pechter, General Partner, and the Contract Purchaser/Lessee, The Strutt Group, Inc., by Kimberly B. Strutt, President, through their attorney, Robert A. Hoffman, Esquire, seeking variance relief from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Public Works Standards to permit the proposed reconstruction of the existing apartment complex, pursuant to a revised site plan dated October 30, 1995, which was accepted and marked into evidence as Petitioner's Exhibit 1.

whereas, at the onset of the hearing, the Petitioners requested a modification of the relief requested to include a request for variance from Section 201.3.C.2 of the B.C.Z.R. to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet. All of the relief requested was granted, by Order issued November 21, 1995.

Subsequent to the issuance of said Order, Counsel for the Petitioners advised this Office that the relief granted failed to include the

CAP.

additional variance requested at the hearing, and thus, an amendment to the Order is necessary.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of November, 1995 that the Order issued November 21, 1995 be and is hereby AMENDED to GRANT variance relief as follows: from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to be located as close as 45 feet to the street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to a street line, and to permit a building greater than 40 feet in height to be located as close as 15 feet to a property line other than a street line in lieu of the required 30 feet; to permit two 18-foot lanes with an interior 8-foot island and on-street parallel parking on Lambourne Road, in lieu of the required 40-foot wide paved road; and from Section 201.3.C.2 of the B.C.Z.R. to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet, in accordance with Petitioner's Exhibit 1.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued November 21, 1995 shall remain in full force and effect.

AAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

c: Robert A. Hoffman, Esquire, Venable, Baetjer & Howard 210 Allegheny Avenue, Towson, Md. 21204

Ms. Kimberly B. Strutt, The Strutt Group, Inc. 54 Scott Adam Road, Cockeysville, Md. 21030

People's Counsel; Case File

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

November 21, 1995

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SW/Corner Lambourne & Yorkward Roads
(Phase I, The Valleys of Towson)
9th Election District - 4th Councilmanic District
Lambourne Limited Partnership - Petitioners
Case No. 96-119-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Ms. Kimberly B. Strutt, The Strutt Group, Inc. 54 Scott Adam Road, Cockeysville, Md. 21030

People's Counsel

File

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Lambourne and Dunvale at Yorkward

which is presently zoned RAE-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	Contract Purchaser/Lessee	I/We do soleranly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.			
		Legal Owner(s)			
	Strutt Group, Inc.	Lambourne Limited Partnership			
	(Type or Print Name)	(Type or Prant Name)			
	By: Separate Kimperly B. Strutt, President	By: C. C. Signatur Jack H. Pechter, General Partner			
	54 Scott Adam Road	/ c/o JHP Enterprises			
	Address	40 York Road, 2nd Floor			
	Cockeysville, Maryland 21030	Towson, Maryland 21204 321-8777			
	Cr., State Zocode				
	Robert A. Hoffman				
FLING	All Holl				
	Verlabile, Baetjer & Howard	Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.			
\$%	210 Allegheny Avenue 494-6262	Robert A. Hoffman, Esquire			
<u>Ω</u> <	Towson, Maryland 21204	Name 210 Allegheny Avenue			
\mathbb{Z}	State Zepcode	Towson, Maryland 21204 494-6262			
\leq	NO 1	Address Phone No.			
OHUEN NECEIVED		OFFICE USE ONLY			
	Jak Markey Land	ESTIMATED LENGTH OF HEARING			
		unavailable for Hearing			
		the following dates Next Two Months			
<u> </u>		ALLOTHER			
T O		REVIEWED BY: OATE 9-11-95			
المسيطة الأسدا					

Zoning Variances

96-119-A

Variances from Section 201.3.C.1 of the Baltimore County Zoning Regulations to:

Allow building to be located as close as 45 feet to street centerline, in lieu of the required 60 feet, while maintaining the required 15 feet to a street line,

Allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in lieu of the required 30 feet.

Public Works Standards

Modification of standards to allow two 18-foot lanes with an interior 8 foot island and on-street parallel parking in Lambourne Rd., in lieu of the required 40 foot paving.

Additional Variance

Section 201.3 C.2 - to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet.

Description

To Accompany Petition for Zoning Variance 2.47 Acre Parcel

Southeast Side of Lambourne Road

Southwest Side of Yorkward Road

Ninth Election District, Baltimore County, Maryland



Daft Mcune Walker, Inc.

200 East Pennsylvania Avenue Towson, Maryland 21286 410 296 3333 Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the point formed by the intersection of the southeast side of Lambourne Road, 60 feet wide, with the southwest side of Yorkward Road, 60 feet wide, and being at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Lambourne Road with the centerline of Yorkward Road (1) South 58 degrees 29 minutes 11 seconds West 30 feet, and thence (2) South 31 degrees 25 minutes 01 second East 30 feet to the point of beginning, thence leaving said beginning point and binding on the said side of Yorkward Road (1) South 31 degrees 25 minutes 01 second East 199.10 feet, thence leaving the said road and running the two following courses and distances, viz: (2) South 58 degrees 29 minutes 11 seconds West 540.62 feet, and thence (3) North 31 degrees 41 minutes 26 seconds West 199.10 feet to intersect the said southeast side of Lambourne Road, thence binding thereon (4) North 58 degrees 29 minutes 11 seconds East 541.57 feet to the point of beginning; containing 2.47 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 30, 1995

Project No. 89113.E (L89113E.1)

119



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland

Posted for: Variance	Date of Posting 10/13/95
Posted for: Variance	,
Petitioner: Stautt Group Incr	
Location of property: 5w/ror Lambour	m + Yorkword Rds
Location of Signer Facing 100 Cuby on	proporty being tours
, , , , , , , , , , , , , , , , , , ,	
Remarks:	-a.
Posted by M. Healey	Date of return: 10/20/95
Signature Rumber of Signa:	



NOTICE OF HEARING

The Zouing Commissioner of Ballimore County, by authority of the Zoning Act and Regulations of Ballimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Manyland 21204 or Room 118, Old Counthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows

Case #96-119-A
(Item 119)
The Valleys of Towson
SWC Lambourne and
Yorkward Roads
9th Election District
4th Councilmeanic.
Legal Owner(s):
Lambourne Limited
Partnership
Contract Propriese:
Straft Strougs Inc.
Hearing: Tuesday, October 31,
1995. at 10:000 a.m. in Rm.

118 Old Countinuese.

Variance to allow brilding to be located as close as 45 feet to street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to street line; to allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line; in lieu of the required 30 feet; and to allow modification of public works standards to allow two 18-foot island and on-street parallel parking in Lambourne Road, in lieu, of the required 40-foot paving.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-353.
(2) For information concerning the File and/or Hearing,

Picase Call 887-3391. 10/048 October 5.

CERTIFICATE OF PUBLICATION

TOWSON, MD., /0//3 1995
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of successive
weeks, the first publication appearing on $\frac{10}{5}$, 1995.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

BALTIMORE COUNTY, N OFFICE OF FINANCE REVE MISCELLANEOUS CASH	NUE DIVISION	
96-13-95 96-119-A		
LAMBCUEM RECEIVED	AMOUNT \$ 285 E LIMITED PARTACESHIP	SW/C of LAMBOURNES YORKMARD R
POSTING (020)		250.05 35.00
ANN AND AND AND AND AND AND AND AND AND	01-7185-65MICHPC 8- 0002:209M09-15-75	285.00 \$295.00
	IDATION OR SIGNATURE OF CASHIER	1 Jan

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Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.:
Petitioner: Cambourne Cimited Parkurship
Petitioner: Cambourne Cimited Particuship Location: Sw/c of Cambourne & Yorkward Rds.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara W. Ormord, Wyubses Local ASST.
PLEASE FORWARD ADVERTISING BILL TO: NAME: Barbara W. Ormord, Wyubses Logal ASST. ADDRESS: Venable
210 Allecheny Art, Towsen, lid 21204
210 Allecting Art, Towsen, Ud 21204 PHONE NUMBER: 494-620/

(Revised 04/09/93)

13

AJ:ggs

TO: PUTUXENT PUBLISHING COMPANY
October 5, 1995 Issue - Jeffersonian

Please foward billing to:

Barbara W. Ormord Venable Baetjer & Howard 210 Allegheny Avenue Towson, MD 21204 494-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-119-A (Item 119)

The Valleys of Towson

SWC Lambourne and Yorkward Roads

9th Election District - 4th Councilmanic Legal Owner: Lambourne Limited Partnership Contract Purchaser: Strutt Group, Inc.

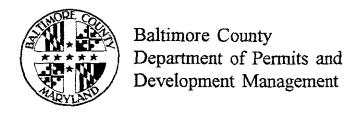
HEARING: TUESDAY, OCTOBER 31, 1995 at 10:00 a.m.. in Room 118, Old Courthouse.

Variance to allow building to be located as close as 45 feet to street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to street line; to allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in lieu of the required 30 feet; and to allow modification of public works standards to allow two 18-foot lanes with an interior 8-foot island and on-street parallel parking in Lambourne Road, in lieu of the required 40-foot paving.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. -

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

September 25, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified hereinin Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-119-A (Item 119)

The Valleys of Towson

SNC Lambourne and Yorkward Roads

9th Election District - 4th Councilmanic Legal Owner: Lambourne Limited Partnership Contract Purchaser: Strutt Group, Inc.

HEARING: TUESDAY, OCTOBER 31, 1995 at 10:00 a.m.. in Room 118, Old Courthouse.

Variance to allow building to be located as close as 45 feet to street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to street line; to allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in lieu of the required 30 feet; and to allow modification of public works standards to allow two 18-foot lanes with an interior 8-foot island and on-street parallel parking in Lambourne Road, in lieu of the required 40-foot paving.

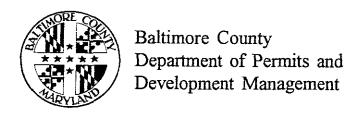
Arnold Jablon Director

cc: Lambourne Limited Partnership

Strutt Group, Inc. Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

October 24, 1995

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: Item No.: 119

Case No.: 96-119-A

Petitioner: Lambourne Ltd.

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 11, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

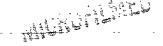
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

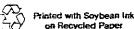
Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR/jw
Attachment(s)





BALTIMORE COUNTY,

INTER-OFFICE CORRESPONDENCE

FO: Arnold Jablon,	DATE:	October	2,	1995	
ROM: Pat Keller, Director, OP					
SUBJECT: The Valleys of Towson					
INFORMATION:					
Item Number:	119				
Petitioner:	Strutt Group, Inc.				
Property Size:					
Zoning:	RAE-2				
Requested Action:	Variance				
Hearing Date:/_/					
CHIMIADY OF DECOMMENDATIONS:					

SUMMARY OF RECOMMENDATIONS:

The requested variances are necessary in order to allow the redevelopment of the 2.47 acre parcel which is part of a 50-unit garden apartment complex known as Hampton Apartments. The applicant proposes to raze the existing apartments on the south side of Lambourne Road and construct 2 buildings with 39 units in each building.

The site is located within the boundaries of the Towson Community Plan and is situated in the Design Area of Fairmount/Dulaney Valley. A limited exemption (B9) was approved on April 10, 1995. In addition, a Design Review Panel meeting was held on April 3, 1995, and comments which included the recommendations of the Planning Office were forwarded to the developer.

The Office of Planning supports the requested variances provided that a final landscape plan is submitted to this office for review and approval. The plan should incorporate the sketches provided by staff to Daft, McCune and Walker. Additional ground or bed planting should be provided at the building foundation, and these details should be added to the final landscape plan.

Caryl Leins

PK/JL

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Sept. 29, 1995 Zoning Administration and Development Management

FROM Robert W. Bowling, P.E., Chief Development Plans Review Division

RE: Zoning Advisory Committee Meeting

for October 2, 1995

Item 119

The Development Plans Review Division has reviewed the subject zoning item. Per our Highway Comments, dated August 3, 1995, "The reconstruction of Lambourne Road, as shown on the plan is acceptable to Public Works."

In addition to the required Landscape Manual conformance, this office requests that a landscape buffer along the western and southern property lines be made a requirement by the Hearing Officer.

RWB:sw

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Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 09/28/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: LAMBOURNE PARTNERSHIP

LOCATION: SWE-LAMBOURNE AND YORKWARD ROADS (THE VALLEYS OF TOWSON)

(BECWITH ESTATES)

Item No.: 119

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-11@2F

CC: File
Printed on Recycled Paper

Line

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

ZADM

DATE: 9/25/95

FROM:

DEPRM

Development Coordination

Zoning Advisory Committee Agenda: 9/25/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

121

122

LS:sp

LETTY2/DEPRM/TXTSBP



David L. Winstead Secretary Hal Kassoff Administrator

9-20-95

Baltimore County (TCM)

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief

Engineering Access Permits

Division

BS/es

Baltimore County Government Office of Zoning Administration and Development Management 89117.D Co BOOK



111 West Chesapeake Avenue Towson, MD 21204

April 11, 1995

(410) 887-3353

Ms. Jean Tansey Daft-McCune-Walker, Inc. 200 E. Pennsylvania Avenue Towson, Maryland 21286

RE: Strutt/Towson

Lambourne and Dunvale at

Yorkward

DRC Number 03065F Dist. 9C4

Dear Ms. Tansey:

On April 10, 1995, the Development Review Committee (DRC) reconsidered your request on the above referenced project and determined it to be a limited exemption under Section 26-171(b)(9) of the Baltimore County development regulations. As a result, your development is exempt from the requirements of a Community Input Meeting, a Hearing Officer's Hearing; however, compliance with all applicable zoning regulations and county design standards and requirements for public and private improvements is required.

In order to further process your development plan, submit two check prints of the plan, prepared in accordance with Section 26-203 of the development regulations, and a copy of this letter to:

Office of Zoning Administration and Development Management County Office Building, Room 123 111 West Chesapeake Avenue Towson, Maryland 21204

Your plan will be examined for general compliance with submittal requirements. Comments on the check print will determine if any changes or additional information are necessary. At that time, the development plan review fee will be determined by the fee schedule. Following your revision, the check print, along with 22 copies of the plan, and a certified or cashier's check made payable to Baltimore County, Maryland must be submitted to this office.

Should you have additional questions regarding this matter, please do not hesitate to call me.

Sincerely,

DONALD T. RASCOE Development Manager

DTR:KAK:aw c: Larry Pilson



BEFORE THE RE: PETITION FOR VARIANCE SWC Lambourne and Yorkward Roads (The Valleys of Towson), 9th Election Dist., 4th Councilmanic

ZONING COMMISSIONER

Legal Owner: Lambourne Ltd. Partnership Contract Purchaser: Strutt Group, Inc.

OF BALTIMORE COUNTY

Petitioners

CASE NO. 96-119-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

People's Counsel for Baltimore County

elle S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30 day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Max Umner

Petitioners

AMENDED ORDER

WHEREAS, this matter came before the Zoning Commissioner as a Petition for Variance for the subject property known as Phase I of The Valleys of Towson, located in the vicinity of Fairmount Avenue in Towson. The Petition was filed by the owners of the property, Lambourne Limited Partnership, by Jack H. Pechter, General Partner, and the Contract Purchaser/Lessee, The Strutt Group, Inc., by Kimberly B. Strutt, President, through their attorney, Robert A. Hoffman, Esquire, seeking variance relief from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Public Works Standards to permit the proposed reconstruction of the existing apartment complex, pursuant to a revised site plan dated October 30, 1995, which was accepted and marked into evidence as Petitioner's Exhibit 1.

WHEREAS, at the onset of the hearing, the Petitioners requested a modification of the relief requested to include a request for variance from Section 201.3.C.2 of the B.C.Z.R. to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet. All of the relief requested was granted, by Order issued November 21, 1995.

Subsequent to the issuance of said Order, Counsel for the Petitioners advised this Office that the relief granted failed to include the additional variance requested at the hearing, and thus, an amendment to the Order is necessary.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Off day of November, 1995 that the Order issued November 21, 1995 be and is hereby AMENDED to GRANT variance relief as follows: from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to be located as close as 45 feet to the street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to a street line, and to permit a building greater than 40 feet in height to be located as close as 15 feet to a property line other than a street line in lieu of the required 30 feet; to permit two 18-foot lanes with an interior 8-foot island and on-street parallel parking on Lambourne Road, in lieu of the required 40-foot wide paved road; and from Section 201.3.C.2 of the B.C.Z.R. to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet, in accordance with Petitioner's Exhibit 1.

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued November 21, 1995 shall remain in full force and effect.

- 2**-**

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Robert A. Hoffman, Esquire, Venable, Baetjer & Howard 210 Allegheny Avenue, Towson, Md. 21204 Ms. Kimberly B. Strutt, The Strutt Group, Inc. 54 Scott Adam Road, Cockeysville, Md. 21030 People's Counsel; Case File

IN RE: PETITION FOR VARIANCE * BEFORE THE MY/Corner Lambourne & Yorkward Roads

(Phase I, The Valleys of Towson) * ZONING COMMISSIONER 9th Election District 4th Councilmanic District * OF BALTIMORE COUNTY

Lambourne Limited Partnership * Case No. 96-119-A Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as Phase I of The Valleys of Towson, located in the vicinity of Fairmount Avenue in Towson. The Petition was filed by the owners of the property, Lambourne Limited Partnership, by Jack H. Pechter, General Partner, and the Contract Purchaser/Lessee, The Strutt Group, Inc., by Kimberly B. Strutt, President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners come before me seeking variance relief from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to be located as close as 45 feet to the street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to a street line, and to allow a building greater than 40 feet in height to be located as close as 15 feet to a property line other than a street line, in lieu of the required 30 feet. In addition, the Petitioners seek a variance from Public Works Standards to permit two 18-foot wide lanes with an interior 8-foot island and onstreet parallel parking on Lambourne Road, in lieu of the required 40-foot paving. The subject property and relief sought are more particularly described on the latest revised site plan dated October 30, 1995, which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Kimberly B. Strutt, President of Strutt Group, Inc., Contract Purchaser/Lessee, and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants present.

At the onset of the hearing, the Petitioners requested a modification of the relief sought to include a request for variance from Section 201.3.C.2 of the B.C.Z.R. to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75 feet. The Petition was amended accordingly and the hearing proceeded on the relief requested.

Testimony and evidence offered revealed that the property which is the subject of this request consists of 2.47 acres, more or less, zoned R.A.E.2, and is known as Phase 1 of The Valleys of Towson, a large highrise apartment complex. The property is proposed to be redeveloped with 78 two-bedroom apartments as shown on the site pian submitted and marked into evidence as Petitioner's Exhibit 1. This property was the subject of prior Case No. 94-355-A in which the Petitioners were granted variances from various building, property line, and window setback requirements, as well as a parking variance of 90 spaces in lieu of the required 93 spaces for the proposed redevelopment of the subject site on April 21, 1994. The Petitioners propose to raze the existing buildings and construct two new buildings with 39 units each as shown on the site plan. The Petitioners now come before me seeking a modification of the variance relief previously granted to reflect minor amendments to the site plan and a refinement of the building locations on the property. The proposed new buildings will be lower in height and spread over the entire property in lieu of the typical

high-rise style apartment building. Thus, the requested variances are

It should be noted that this project was granted a limited exemption from the development process by the Development Review Committee on April 10, 1995. In addition. the Zoning Plans Advisory Committee comments are favorable and the Office of Planning and Zoning (OPZ) supports the Petitioners' request for variance. Furthermore, the Developer's Plans Review Division supports the relief requested, but suggested that landscaping be required in conjunction with the proposed improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeare Beach, 22 Md. App. 28 (1974).

such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE. IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2/2 day of November, 1995 that the Petition for Variance seeking relief from Section 201.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to be located as close as 45 feet to the street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to a street line, and to permit a building greater than 40 feet in height to be located as close as 15 feet to a property line other than a street line in lieu of the required 30 feet, and to permit two 18-foot lanes with an interior 8-foot island and on-street parallel parking on Lambourne Road, in lieu of the required 40-foot wide road, in accordance with Petitioner's Exhibit 1, be and is hereby

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order:

however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

> LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

Suite 112 Courthouse Inui Estina 400 Washington Avenue Towson, MD 21204

November 21, 1995

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE SW/Corner Lambourne & Yorkward Roads (Phase I, The Valleys of Towson) 9th Election District - 4th Councilmanic District Lambourne Limited Partnership - Petitioners Case No. 96-119-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> Very truly yours, LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

(410) 887-4386

cc: Ms. Kimberly B. Strutt, The Strutt Group, Inc. 54 Scott Adam Road, Cockeysville, Md. 21030 People's Counsel

It is clear from the testimony that if the variance is granted, - 3-

- 5-

for the property located at Lambourne and Dunvale at Yorkward which is presently zoned This Petition shall be filed with the Office of Zoning Administration & Development Management.

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

To be determined at hearing.

practical difficulty)

hereto and made a part hereof, hereby petition for a Variance from Section(s)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Cockeysville, Maryland 21030 Pobert A. Hoffman Type or Prost Plane)

Allegheny Avenue 494-6262 wson, Maryland 21204

Name, Address and phone number of legal owner, contrast purchaser or representative Pobert A. Hoffman, Esquire

OFFICE OF FINANCE - REVENUE DIVISION

DiadiaG465Michre E4 0002:21PM09-15-95

MISCELLANEOUS CASH RECEIPT

was a lable for Hearing REVIEWED BY: 0 DATE 9-11-95

We do solemnly declare and affirm, under the penalties of perjury, that then are the

Pechter, General Partner

494-6262

Towson, Maryland 21204 321-3777

legal owner(s) of the property which is the subject of this Pethon

Lambourne Limited Partnership

c/o JE Unterprises

40 York Road, 2nd Floor

Zoning Variances

716-119-71

Variances from Section 201.3.C.1 of the Baltimore County Zoning Regulations to:

Allow building to be located as close as 45 feet to street centerline, in lieu of the required 60 feet, while maintaining the required 15 feet to a street line.

Allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in lieu of the required 30 feet.

Public Works Standards

Modification of standards to allow two 18-foot lanes with an interior 8 foot island and on-street parallel parking in Lambourne Rd., in lieu of the required 40 foot

Additional Variance

Section 201.3 C.2 - to permit side windows on enclosed balconies to be as close as 20 feet from a side window of a similarly enclosed balcony in lieu of the required 75

Baltimore County Government Office of Zoning Administration

and Development Management

1111 West Chesapeake Avenue Franciscon MD 2120 i

(410) 887-3353

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

a sign on the property and placement of a notice in at least one

newspaper of general circulation in the County.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:

Petitioner: Cambourne Cimited Parkweship
Location: Sw/c of Cambourne & Yorkward Rds.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormord, Edysbries Legal ASST.

ADDRESS: Venable

210 Allegeny Are, Towar, lid 21204

(Revised 04/09/93)

96-119-A

To Accompany Petition for Zoning Variance 2.47 Acre Parcel

Description

Southeast Side of Lambourne Road Southwest Side of Yorkward Road

Ninth Election District, Baltimore County, Maryland DMW

Daft-MCune-Walker, Inc. Эмі Бал Генеріліяны Алекие Towners Marsiana 21286 1.70 200 ABS

. A Team of Land Planner. Ганасаре Англиса. Encommisma, Professional

Beginning for the same at the point formed by the intersection of the southeast side of Lambourne Road, 60 feet wide, with the southwest side of Yorkward Road, 60 feet wide, and being at the end of the second of the two following courses and distances measured from the point formed by the ntersection of the centerline of Lambourne Road with the centerline of Yorkward Road (1) South 58 degrees 29 minutes 11 seconds West 30 feet, and thence (2) South 31 degrees 25 minutes 01 second East 30 feet to the point of beginning, thence leaving said beginning point and binding on the said side of Yorkward Road (1) South 31 degrees 25 minutes 01 second East 199.10 feet, thence leaving the said road and running the two following courses and distances, viz: (2) South 58 degrees 29 minutes 11 seconds West 540.62 feet, and thence (3) North 31 degrees 41 minutes 26 seconds West 199.10 feet to intersect the said southeast side of Lambourne Road, thence binding thereon (4) North 58 degrees 29 minutes 11 seconds East 541.57 feet to the point of beginning;

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE. June 30, 1995

Project No. 89113.E (L89113E.1)

NOTICE OF HEARING

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Townson, Maryland 21204

HEARING: TUESDAY, OCTOBER 31, 1995 at 10:00 a.m.. in Room 118, Old Courthouse.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Lct and Regulations of Baltimore

County, will hold a public hearing on the property identified herein in

Room 118, Old Courthouse, 460 Washington Avenue, Towson, Haryland 21204 as follows:

Variance to allow building to be located as close as 45 feet to street centerline in lies of the required 60 feet, while maintaining the required 15 feet to street line; to allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in lieu of the required 30 feet; and to allow modification of public works standards to allow two 12-foot lanes with an interior 8-foot island and on-street parallel parking in Lambourne Road, in lies of the required 40-foot

HOTES: (1) HEIGHT BE HANGEPPED LOCESSIBLE; FOR SPECIAL LOCOMMONTHORS WALLEST CALL 887-3353. (2) FOR IMPORMATION CONCERNES THE FILE AND/OR METATING, PLEASE COLL 887-3391.

containing 2.47 acres of land, more or less.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 16-119-11

Torreon, Maryland

Posted for: Variance	Date of Posting 10/13/95
Petitioner: Stant Group Inc	
Location of property Sulcur Lambourn	+ Yustward Rds
Location of Signer Fecting 100 C 1004 0-4 1	ruporty being touse
Remarks:	-
Posted bySignature Signature	Date of return: 10/20/95
Howar of 2160s!	

CERTIFICATE OF PUBLICATION THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive

THE JEFFERSONIAN.

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

September 25, 1995

118, Old Countiquese.
Variance to allow building to
be located as close as 45 test

the required 60 feet while maintaining this required 15 feet to street line, to allow building presentions 40 feet in

height to be located as piece. s 15 leet to a property line other than street line, in lieu of the required 30 feet; and to al-

low modification of publi

parallel partiang in Lambourne Road, in their of the required

LAWPENCE E SCHMOT,
Zoning Commissioner for
Battimore County
MOTES: (1) Hearings are
Handcapped Accessible, for

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified hereinin Room 106 of the County Office Building, 111 %. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington lvence, Yowson, Maryland 21204 as follows:

CASE NUMBER: 96-119-A (Item 119) The Valleys of Towson SAC Lambourne and Portnered Roads 9th Election District - 4th Councilmanic Legal Owner: Lambourne Limited Partnership Contract Purchaser: Strutt Group, Inc. HEARING: TUESDAY, OCTOBER 31, 1995 at 10:00 a.m., in Room 118, Old Courthouse.

Variance to allow building to be located as close as 45 feet to street centerline in lieu of the required 60 feet, while maintaining the required 15 feet to street line; to allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in lieu of the required 30 feet; and to allow modification of public works standards to allow two 18-foot lanes with an interior 8-foot island and on-street parallel parking in Lambourne Road, in lieu of the required 40-foot paying.

Lambourne Limited Partnership Strutt Group, Inc. Robert A. Hoffman, Esq.

NOTES: (1) ZORDES SIGN & POST MIST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) REARINGS ARE HANDICAPPED ACCESSIBLE: FOR SPECIAL ACCOMPUDATIONS PLEASE CALL 887-3353. (3) FOR IMPOGNATION CONCERNS THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

13

LARRENCE E. SCHOOL

TO: PUTULENT PUBLISHING COMPANY

Please foward billing to:

Barbara W. Ormord Venable Baetjer & Howard

210 Allegheny Avenue Towson, ND 21204

October 5, 1995 Issue - Jeffersonian

CASE NOMEER: 96-119-1 (Item 119)

SHC Lambourne and Yorkward Roads

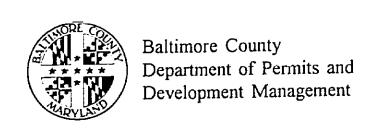
9th Election District - 4th Councilmonic

Contract Purchaser: Strutt Group, Inc.

Legal Owner: Lambourne Limited Partnership

The Valleys of Townon

ZUMING COMMISSIONED FOR BALTIMENE COUNTY



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

October 24, 1995

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, Maryland 21204

> RE: Item No.: 119 Case No.: 96-119-A Petitioner: Lambourne Ltd.

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 11, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 7/35/75

L\$:sp

LETTY2/DEPRM/TXTSBP

INTER-OFFICE CORRESPONDENCE

The Department of Environmental Protection & Resource Management has no

comments for the following Zoning Advisory Committee Items:

DATE: 9/25/95

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: October 2, 1995

TO: Arnold Jablon, Director, PDM

FROM: Pat Keller, Director, OP

SUBJECT: The Valleys of Towson

INFORMATION:

Item Number: Strutt Group, Inc.

Petitioner:

The requested variances are necessary in order to allow the redevelopment of the 2.47 acre parcel which is part of a 50-unit garden apartment complex known as Hampton Apartments. The applicant proposes to raze the existing apartments on the south side of Lambourne Road and construct 2 buildings with 39 units in each building.

The site is located within the boundaries of the Towson Community Plan and is situated in the Design Area of Fairmount/Dulaney Valley. A limited exemption (B9) was approved on April 10, 1995. In addition, a Design Review Panel meeting was held on April 3, 1995, and comments which included the recommendations of the Planning Office were forwarded to the developer.

The Office of Planning supports the requested variances provided that a final landscape plan is submitted to this office for review and approval. The plan should incorporate the sketches provided by staff to Daft, McCune and Walker. Additional ground or bed planting should be provided at the building foundation, and these details should be added to the final landscape plan.

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Sept. 29, 1995 Zoning Administration and Development Management FROM Robert W. Bowling, P.E., Chief

Zoning Advisory Committee Meeting for October 2, 1995 Item 119

Development Plans Review Division

The Development Plans Review Division has reviewed the subject zoning item. Per our Highway Comments, dated August 3, 1995, "The reconstruction of Lambourne Road, as shown on the plan is acceptable to Public Works."

In addition to the required Landscape Manual conformance, this office requests that a landscape buffer along the western and southern property lines be made a requirement by the Hearing Officer.

RWB:sw

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410)8874500

P975: 09788/95

Arnold Jabion Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: LAMBOURNE PARTMERSHIP

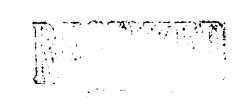
LOCATION: SWC LAMBOURNE AND YORKWARD ROADS (THE VALLEYS OF TOWSON) (BECWITH ESTATES)

Item No.: 119 Johing Agenda: VARIANCE

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below as applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1192F

יד, ככ: File

Maryland Department of Transportation State Highway Administration

David L. Winstead Secretary Hal Kassoff Administrator

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Engineering Access Permits

111 West Chesapeake Avenue Towson, MD 21204 Ms. Jean Tansey Daft-McCune-Walker, Inc. 200 E. Pennsylvania Avenue

RE: Baltimore County Item No. 1/9 (JCM)

Address: P.O. Box 717 • Baltimore, MD 21203-0717

Baltimore County Government Office of Zoning Administration and Development Management

April 11, 1995

89117.D

Co GOOK

(410) 887-3353

RE: Strutt/Towson Lambourne and Dunvale at Yorkward

Dear Ms. Tansey:

Towson. Maryland 21286

DRC Number 03065F Dist. 9C4

On April 10, 1995, the Development Review Committee (DRC) reconsidered your request on the above referenced project and determined it to be a limited exemption under Section 25-171(b)(9) of the Baltimore County development regulations. As a result, your development is exempt from the requirements of a Community Input Meeting, a Hearing Officer's Hearing; however, compliance with all applicable zoning regulations and county design standards and requirements for public and private improvements is required.

In order to further process your development plan, submit two check prints of the plan, prepared in accordance with Section 26-203 of the development regulations, and a copy of this letter to:

Office of Zoning Administration and Development Management County Office Building, Room 123 111 West Chesapeako Avenue Towson, Maryland 21204

Your plan will be examined for general compliance with submittal requirements. Comments on the check print will determine if any changes or additional information are necessary. At that time, the development plan review fee will be determined by the fee schedule. Pollowing your revision, the check print, along with 22 copies of the plan, and a certified or cashier's check made payable to Baltimore County, Maryland must be submitted to this office.

Should you have additional questions regarding this matter, please do not hesitate to call me.

Sincerely, Donald T. Rouse DONALD T. RASCOE

Development Manager

c: Larry Pilson

RE: PETITION FOR VARIANCE SWC Lambourne and Yorkward Roads (The Valleys of Towson), 9th Election Dist., ZONING COMMISSIONER 1th Councilmanic OF BALTIMORE COUNTY Legal Owner: Lambourne Ltd. Partnership Contract Purchaser: Strutt Group, Inc. * CASE NO. 96-119-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> PETER MAX ZIMMERMAN People's Counsel for Baltimore County Marcie S. Semili.

TAROLE S. DEMILIO Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

I HEREBY CERTIFY that on this _____ day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

> Peter Max Timmeron PETER MAX ZIMMERMAN

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LEGEND OVERHEAD WIRES WATER LINE STORM DRAIN LINE SANITARY SEWER LINE LIGHT POLE SIGNPOST BALTIMORE COUNTY MARYLAND-STORM DRAIN MANHOLE LEASED TO TIMOTHY HOUSE LIMITED PARTNERSHIP Hurt Valley, MD 21030 SANITARY SEWER MANHOLE S.M. 9121/532 RESIDENTIAL HAND BOX Election District 9; Councilmanic District 4, Census Tract 4903 01 1 AN 3 NOW WELL AN GAS VALVE 1 mg - 16 6 44 4 4 1 g TELEPHONE CABLE MARKER MOTEL . Site Data GUY WIRE TELEPHONE MANHOLE Acresge & Zoning WATER VALVE WATER METER ELECTRIC TRANSFORMER UTILITY POLE Vicinity Map All units are for sale. Scale: 1" = 1000" Required = 78 2 BR © 1.25 / Unit = 98 Spaces Proposed = 103 Off-street spaces (5 H/C) Regular spaces will be 8 $1/2 \times 10^\circ$. All spaces will be paved with a durable, dustless surface, and striped. Amenity Open Space CONCRETE PORCH Total area of property to be disturbed: 2.48 Acres There are no existing or proposed well or septic areas on the site. EX. APTS. MARSDEN CHEVROLET INC. S.M. 8844/496 RETAIL POINT OF BEGINNING A waiver of quantity storm water management has been requested. Water Quality will be provided by proposed water quality structures located on the site. The existing storm drain in Fairmount Avenue will be supplemented if required to provide a suitable outals. N 39713.76 E 3580,98 / There are no known streams, springs, bodies of water, or 100 year flood plains on site. EXISTING APARTMENTS POINT OF BEGINNING н 58*29'11" E 20.00' N 39662.55 12. Average Daily Trips: E 3612.25 High-Rise Apartment 78 units © 4,0 Amit = 312 A.D.T.'s (NE)INV = 388.04 13. There are no known wetlands, significant geologic formations, critical areas, archeological sites, endangered species habitats or hazardous materials on the site. Underground fuel storage tanks shall be pumped and removed by a ficensed tank removal contractor under supervision of DEPRM prior to razing. APTS. Existing site consists of lawn and mature ornamental plantings. Because no forest exists and no subdivision of land will occur, the site is exempt from Forest Conservation Act requirements. Reclassification R-87-98 to change the zoning to PAE-1 was withdrawn pending resolution PART OF 1"=200 Listing of Requested Zoping and Standards Relief ZONING MAPS NE 10-A & 11-A Zoning Yariances allow building to be located as close as 45 feet to spect centerline, in Seu of the required 50 feet, while maintaining the required 15 feet to a spect line; EXISTING APARTMENTS MARSDEN CHEVROLET INC allow building greater than 40 feet in height to be located as close as 15 feet to a property line other than street line, in fieu of the required 30 leet. 5M.8844/496 RETAIL GABLES AT HAMPTON LIMITED PARTNERSHIP 9159/358 || APARTMEKT9|| EX RETS 96-119-A treas between the 250' sight line and the curb line will be deared, graded, and kept. free of any 🧪 SC 88.61 TOP CLEV. = 417.65 (**EPPV. = 497.65 (\$4)470. = 419.85 ____ CHAPTAN PLATE BUILDING B - 39 UNITS BUILDING A - 39 UNITS F F. 408 30 F.F. 393.50 FF. 395.50 FF 406.30 F.F. 4:0,30 DISTURBED AREA = 5.9 AC (257,000 SQ.FT.) Daft - McCune - Walker, Inc.
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Express Survivors &
Express Surviv THE VALLEYS STEPHEN G. HEAVER S.M. 8442/412 RETAIL OF TOWSON
PLAN & PLAT
TO ACCOMPANY ZONING **VARIANCE PETITION** ZADM# IX-538 BALTIMORE COUNTY, MARYLAND PARKING DECK LOWER LEVEL ----EM-EI-EM-EG EM-EI-EM-EI-EM-EI-EM-EI-EM-EI-BM-CSA REVISIONS 8-24-95 CLZ REN SITE GRADIUG & GARDEN WILLS STEPHEN G HEAVER O.T.6.5175/671 BETAIL CLZ ARK PACE LOT CURSE PRINTED 8-24-95 . CLZ ACCED FUEL THES & FIRE HYDRINGS The plans must contain the following mote: I year or Trade are are the there are 8-24-95 CLZ REV SECREL HOTES #4.5 13 15 18 18 20 FRENCH CONT. CONT. DOLC COMMENT any in the followings the RETAIL finances) interest in the propert development or a person who will Scale: 1" = 30" Date: JULY 13, 1995 perform continentual services of behalf of the broph was moved by: Project No: 89117E Sheet 1 of 2 Cardian Stee MEC CRES · BASING TO 1. SURFACES

LEGEND OVERHEAD WIRES WATER LINE STORM DRAIN LINE SANITARY SEWER LINE General Notes LIGHT POLE SIGNEDST Kimberly Struff BALTIMORE COUNTY, MARYLAND ----The Strutt Group 54 Scott Adam Road, Suite 1 STORM DRAIN MANHOLE LEASED TO TIMOTHY HOUSE LIMITED PARTNERSHIP
S.M. 9121/532
RESIDENTIAL SANITARY SEWER MANHOLE HAND BOX Election District 9, Councilmanic District 4, Census Train 4903 01 GAS VALVE TELEPHONE CABLE MARKER MOTEL GUY WIRE TELEPHONE MANHOLE Acreage & Zoning WATER VALVE G/8 2 48 Acres Net RAE-2 2.50 Acres Gross and 10 RW Lambourse Yorkward 2.99 Acres Tiral South 19 // WATER METER E ELECTRIC TRANSFORMER UTILITY POLE - Vaucal X Copyright ASC The Map People Allowed = 2 99 Ac & 60 Units / Ac. = 239 fr U ROAD Proposed = 78 2 (BR & 100 = 75 f · U Vicinity Map All units are for sale. Scale: 1" = 1000' Required = 78.2 SR © 1.25 Unit = 98 Spaces Ex. B'W Proposed = 103 Off-street spaces (S H/C) 21 On-street spaces Regular spaces will be 8 1/2" x 16". All spaces will be daved with a durable, dustless surface, and (Amended) Amenity Open Space calculations ADJUSTED GROSS FLOOR AREA= 169,214 SF RECUIRED AOS(O 2) 33843 SF ACS PROVIDED F. Total area of property to be disturbed: 2.45 Acres . There are no existing or proposed well or septic areas on the site. EX. APTS. MARSDEN CHEVROLET INC S.M. 8844/496 Genety-Urban Land Cumplex (G Genety-Urban Land Complex 8-15% (G Genetile Ski Loam (G Abbreviobons HWT, High Water Table RETAIL POINT OF BEGINNING A warver of quantity storm water management has been requested. Water Quality will be provided by proposed water quality structures localed on the site. The existing storm drain in Fairmount Avenue will be supplemented if required to provide a suitable outfall. **?** N 39713.76 E 3580,98 🔨 There are no known streams, springs, bodies of water, or 100 year flood plains on site. EXISTING APARTMENTS TOP DRAIN = 382.18 ----10. There are no historic buildings on this property. All existing buildings will be removed. Owner:
 Deed Reference
 Tax Account Number POINT OF BEGINNING N 58*29*11* E N 39662.55 🔨 12. Average Daily Tras: E 3612.25 / TOP DRAIN = 391.02 (NE)INV.= 388.04 High-Rise Apartment 78 units © 4.0 Aprit =312 A.D T1s. 13. There are no known wetlands, significant geologic firmations, critical areas, archeological sites, endangered species habitats or hazardous materials on the site. Underground fuel storage tanks shall be pumped and removed by a ficensed lank removal contractor under supervision of DEPRM prior to razing. APTS. Existing site consists of lawn and mature ornamental nurtings. Because no forest exists and no subdivision of land will occur, the site is exempt from Forest Conservation Act requirements. 5. Zonina History 32" Reclassification R-87-98 to change the zoning to RAF , was withcrawn cending resolution within the Comprehensive Quadrennial Zoning Cycle PART OF 1"=200' Listing of Requested Zoning and Standards Refet ZONING MAPS NE 10-A & 11-A Zoning Variances Variances from Sec. 201 3.C 1 BCZR for allow building to be located as close as 45 feet to meet centerline, in lieu of the required EXISTING APARTMENTS allow building greater than 40 feet in height to be irrated as close as 15 feet to a property line other than street line, in Seu of the required 3 feet. SM 8844/496 RETAIL GABLES AT HAMPTON CIMITED PARTMERSTOP 9159, 358 APARTMENTS JF OFTEL COP - 9 EX RETS A sidewalk connection has been provided from parking area of south building block to Yorkward Road POINT OF BEGINNING CHAIL ME LEGAL ATEM CLARACTER CONTROL 10 eth - 12122 10 eth - 12122 12 eth - 12122 BUILDING 5 - 39 UNITS BUILDING A - 39 UNITS #31 FF 393.50 F.F. 391.50 FF. 395 50 FF 406.30 FF 408.30 F.F. 410.30 DISTURBED AREA = 5.9 AC (257,000 SQ.FT.) Daft · McCune · Walker, Inc. A from of , and Promers Landscape firehiterts Engineers, Sunkyons & Environmental Professionals THE VALLEYS STEPHEN G. HEAVER OF TOWSON SM 8442/412 RETAIL PLAN & PLAT TO ACCOMPANY ZONING VARIANCE PETITION ZADM# IX-538 BALTIMORE COUNTY MARYLAND NORTH PARKING DECK LOWER LEVEL BM-CSA REVISIONS STEPHEN G HEAVER *The plens must contain the following note: I. W. R. W RETAIL Care. JULY 13, 1995 perform contractual services on behalf of the property of the property Pro ect Not 89111E

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